IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

Crl.Rev.Pet.No. 2994 of 2007()

CRA.284/2005 of SESSIONS COURT, KASARAGOD
CC.541/1999 of CHIEF JUDICIAL MAGISTRATE, KASARAGOD

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REVN. PETITIONER: APPELLANT/ACCUSED:

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1. NAVEEN CHANDRA K.,
   S/O. GANAPATHY RAVU.

2. USHALETHA, D/O. GANAPATHY RAVU,
   ALL ARE R/AT KANJIKATTA, KUMBLA,
   KOYIPADY GRAMAM, KASARAGOD.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS: PW1/STATE:

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1. KISHORI, W/O. NAVEEN CHANDRA K.,
   R/AT KANJIKATTA, KUMBLA, KOYIPADY GRAMAM,
   KASARAGOD.

2. STATE OF KERALA,
   REP. BY S.H.O. KUMBLA POLICE STATION,
   REP. BY THE PUBLIC PROSECUTOR, ERNAKULAM.

BY ADV. SRI.M.PRADEEP RAO
PUBLIC PROSECUTOR SRI.K.S. SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl.R.P. NO. 2994 of 2007

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Dated, this the 10th day of August 2007

ORDER

The revision petitioner and his sister were prosecuted by the first respondent for offences punishable under Sections 323, 324 and 498 A read with Sec. 34 I.P.C. They were, after trial, convicted by the Chief Judl. Magistrate, Kasaragod for all the offences. On appeal preferred by the revision petitioners as Crl. A. 284 of 2005 before the Sessions Court, Kasaragod all the other offences except Sec. 498 A were compounded and the lower appellate court confirmed the conviction under Section 498 A and sentenced them each to imprisonment for six months and to pay a fine of Rs. 1,000/-. While passing the judgment the lower appellate court noticed the fact that there has been a re-union between the husband and wife but declined to accept to a request to compound the offence under Section 498 A I.P.C. holding that it was a non-compoundable offence. It is the said appellate judgment which is assailed in this revision.

2. Having regard to the fact that there has been a re-union between the husband and wife and that even a child has been born thereafter, I do not think that the revision petitioner deserve the

sentence imposed by the lower appellate court. Accordingly, for their conviction under Section 498 A read with Sec. 34 I.P.C. the revision petitioners shall suffer imprisonment till rising of the court and pay a fine of Rs. 5,000/- (Rupees five thousand only) each within two months from today failing which defaulting accused shall suffer simple imprisonment for 15 days by way of default sentence. Out of the fine amount, a sum of Rs. 5,000/- shall be paid to P.W.1 by way of compensation under Sec. 353 Cr.P.C.

This Revision is accordingly disposed of .

V. RAMKUMAR,

(JUDGE)

ani.